(2) 87-212

Supreme Court, U.S.
FILED
JUL 30 1987
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1987

No.....

AMATEYUS LTD., d/b/a VOLK & HUXLEY,
AND VULCAN TYPOGRAPHY CO.

*Petitioner,*

—against—

NATIONAL LABOR RELATIONS BOARD

*Respondent.*

## SUPPLEMENTAL APPENDIX

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*Attorneys for Petitioner*

2 CA 18630
2 CA 18649

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT
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At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the first day of May, one thousand nine hundred and eighty-seven.

Present: HON. JAMES L. OAKES,

HON. RALPH K. WINTER,
Circuit Judges,

HON. ROBERT C. ZAMPANO,
District Judge.*

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NATIONAL LABOR RELATIONS BOARD,
Petitioner,

-v.-

AMATEYUS, LTD., d/b/a VOLK & HUXLEY and VULCAN TYPOGRAPHY CO.,
Respondents.

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No. 86-4149

* Of the District of Connecticut, sitting by designation.

An application for an enforcement of an order of the National Labor Relations Board.

This cause came on to be heard on a certified list of items comprising the record of the National Labor Relations Board and argued by counsel,

Upon consideration thereof, it is hereby ORDERED, adjudged and decreed that the application for enforcement of said order be and it hereby is granted and the order enforced in accordance with the opinion of this court with costs to be taxed against the respondents.

Elaine B. Goldsmith,
Clerk

By: Edward J. Guardaro,
Deputy Clerk

280 NLRB No. 21 D-3781
New York, NY

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMATEYUS, LTD., d/b/a/ VOLK & HUXLEY, AND VULCAN TYPOGRAPHY CO.[1]

and

NEW YORK TYPOGRAPHICAL UNION NO. 6

Cases 2--CA--18630
2--CA--18649

DECISION AND ORDER

On 27 June 1985 Administrative Law Judge Julius Cohn issued the attached decision. The Respondents filed exceptions and a supporting brief.

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1. As set forth in the 11 May 1982 order consolidating cases and consolidated complaint, the Respondents were styled as "Volk and Huxley, Inc.; and Vulcan Typography Co." Subsequently, the 2 December 1982 amended consolidated complaint styled the Respondents as "Amateyus, Ltd. d/b/a Volk & Huxley, and Vulcan Typography Co."

The General Counsel filed an answering brief and a brief in support of the decision.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the decision and the record in light of the exceptions and briefs and has decided to affirm the judge's rulings, findings,[2] and conclusions, and to

2. The Respondents have excepted to some of the judge's credibility findings. The Board's established policy is not to overrule an administrative law judge's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. Standard Dry Wall Products, 91 NLRB 544 (1950), enfd. 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing the findings. We further find no merit in the Respondents' contentions that the

(Footnote continued)

adopt the recommended Order as modified.[3]

ORDER

The National Labor Relations Board adopts the recommended Order of the administrative law judge as modified

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judge's conduct of, and demeanor at, the hearing manifested bias. Having carefully and fully considered the record and the judge's decision, we find no evidence that he prejudged the case, made prejudicial rulings, or demonstrated a bias against the Respondents in his analysis or discussion of the evidence. We also find no basis for Respondents' contention that he demonstrated disrespect for the Federal courts.

We also note that the Respondents conceded at the hearing that Amateyus was the successor to Volk and Huxley and that there were no exceptions to this finding.

The judge stated that Mark Cory decided in January 1981 to go into business. The correct year is 1982.

3. We are modifying the recommended Order to omit employee Milton Tessenholtz from those employees

(Footnote continued)

below and orders that the Respondents, Amateyus, Ltd., d/b/a/ Volk & Huxley, and Vulcan Typography Co., New York, New York, their officers, agents, successors, and assigns, shall take the action set forth in the Order as modified.

1. Substitute the following for paragraph 2(d).

"(d) Offer Ed Appel, Jack Bober, Charles Buchholtz, Bob Clare, Gene Croce, Charles Cusack, Douglas Daigneult, Richard Hannon, Irwin

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found to be discriminatees. While the complaint included Tessenholtz as an alleged discriminatee, the record establishes that Tessenholtz' employment terminated in mid-1981 -- long before the March 1982 terminations here.

Harris, John Herr, George Hodges, Paul Hulburt, Harold Krakora, Robert Mariani, James McLellan, Anthony Melodia, Mike Romano, Peter Reithinger, Fred Serricchio, Robert Siciliano, Ken Silvey, Charles Strazza, Ken Willison, and Charles Zanelotti immediate and full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed and make them whole for any loss of earning suffered as a result of their discharge."

2. Substitute the attached

notice for that of the administrative law judge.

Dated, Washington, D.C. 30 May 1986

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Donald L. Dotson, Chairman

_____

Patricia Diaz Dennis, Member

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Wilford W. Johansen, Member

NATIONAL LABOR RELATIONS BOARD

(SEAL)